

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
MALLINCKRODT PLC, <i>et al.</i> ,	:	Bankruptcy Case No. 20-12522 (JTD)
	:	
Debtors.	:	
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KENNETH GREATHOUSE, STUART	:	
ROSE, and LLOYD GLENN,	:	
	:	
Appellants,	:	
	:	
v.	:	C.A. No. 21-1756-LPS
	:	Bankr. BAP No. 21-85
MALLINCKRODT PLC, <i>et al.</i> ,	:	
	:	
Appellees.	:	
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RECOMMENDATION

At Wilmington this **13th** day of **January, 2022**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel,¹ to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of

¹ Written information was provided by counsel for the parties which is not made part of the court record because it relates to mediation.

the process.

The present appeal relates to a December 1, 2021 Order by the Honorable John T. Dorsey, which denied Appellants' Joinder seeking a determination that the Debtors cannot reject or discharge their post-confirmation royalty obligations to Appellants pursuant to the Royalty Agreement under the Debtors' proposed joint plan of reorganization. The parties were not and have not been involved in mediation or other ADR process. Although Appellants are open to participating in mediation, Appellees do not believe mediation would be beneficial, and request that this matter be removed from mandatory mediation.

The parties, however, agree to and proposal the following briefing schedule:

Appellants' Opening Brief	March 1, 2022
Appellees' Response Brief	March 31, 2022
Appellants' Reply Brief	April 14, 2022

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Because this Recommendation is consistent with the parties' proposal, no objections to are anticipated pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng

